

Exhibit “A”

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JOSHUA OTWELL, an individual,)	
DANNA LEE OTWELL, an)	
individual,)	
)	
Plaintiffs,)	Civil Action No.:
)	
v.)	4:19-cv-01120-ACA
)	
HOME POINT FINANCIAL)	
CORP., a Corporation;)	
)	
Defendant.)	

Affidavit of Josh Otwell

STATE OF ALABAMA)
COUNTY OF Jefferson)

1. My name is Josh Otwell. I am over twenty-one (21) years of age and am of sound mind. I have personal knowledge of the facts stated below.

2. This is to supplement and add to my original affidavit which I adopt in its entirety.

3. My wife and I have been married since 2003.

4. We have lived together continuously and been around each other on a daily basis since we were married and also since we purchased the house the subject of this litigation in January 2015.

5. I have had the opportunity to observe my wife, Lee Otwell, throughout the events that form the basis of our claims against Home Point.

6. After we completed our trial modification, we received the confusing promissory note for a new loan with little or no explanation in December 2018 that only accounted for part of the balance of our loan and involved new parties we had never heard of.

7. Lee was extremely upset when we received this information with no explanation as to what this meant or what we were supposed to do.

8. I attempted to reach out to Home Point but could not get an answer.

9. I could see that Lee was scared, upset, worried and full of anxiety.

10. Since we had been together for 17 years, I know she was upset and this refusal by Home Point to give us an actual answer was very upsetting to her.

11. When we received this information, I recall we had gone into our bedroom so we could be away from the kids as we did not want our kids to see our concern and upset. I could hear in her voice and see on her face how upset, worried and scared she was and I tried to comfort her as she cried.

12. After that night and for the next few months as we dealt with this, I could see the worry, stress and anxiety in her demeanor and face and in the way she carried herself.

13. She was extremely confused and worried with a sense of hopelessness asking how this could happen, we had contacted a lawyer for help, had done what they told us to do and had done what Home Point had required and now we get hit with this.

14. The letters from Home Point sent directly to us in February were extremely threatening to my wife demanding approximately \$57,000 and declaring us in default, especially since they had been sent directly to us and not our lawyers.

15. I remember her saying it felt like they were trying to scare us or put us in a stranglehold even though they knew they should communicate through the lawyers.

16. She was hurt, upset and scared because this was the same way they handled it every time requiring us to take all these steps and then they wouldn't communicate with us or would send us confusing or incomplete information. She was extremely frustrated because we repeatedly went through this confusing process that had us running around in circles.

17. This put a strain on our relationship and caused us to argue over what happened, who messed up, with Lee blaming me and me blaming her in response over what had happened and why Home Point would not give us a straight answer and why Home Point communicated with us instead of with our lawyers.

18. Lee would often retreat during this time to our bedroom and break down and cry. She didn't want to upset our girls so sometimes she couldn't be around them and spend time with them as she would normally do.

19. When I would isolate myself from the family as I was upset and scared over what Home Point was doing to us, this caused her to be angry with me and frustrated and would lead to further arguments.

20. I also observed that the fear, stress, anxiety and confusion of the situation caused Lee to have a severe headache multiple times a week throughout December 2018 and into the spring of 2019.

21. I also saw that Lee had trouble sleeping during this time. I would wake up and she would be sitting up in bed, mulling everything over, crying, visibly upset, and shaking. When I asked what was bothering her, even though I knew, she would say “Home Point” or would go into more detail.

22. She would sometimes stay in bed and sometimes go in the living room and lay down on the couch. She wouldn’t watch television, but just wanted to be left alone. She was visibly upset and crying and I would try to comfort her, but I really couldn’t because we were both lost, confused and hurt, which added more stress and issues to our marriage and to her mental state.

23. The threatening and confusing letters in February 2019 were very upsetting and frustrating to her because we couldn’t understand why we were getting them and why Home Point refused to explain this to us but would only send threatening letter directly to us and not talk to our lawyers.

24. As the weeks went by, I could see the emotional strain on her. She began to go into a deep depression because of the actions of Home Point and there was nothing I could do or to lift her out of it.

25. Lee would shut herself off from others at times by going to her bedroom by herself and shutting the door.

26. She was crying on almost a daily basis because of Home Point.

27. She also shut herself off from friends and neighbors, not hanging out in the front yard, not wanting to make plans or cook out with neighbors due to the embarrassment of the situation. Whenever Lee would come home she would go straight in the back door of the house so she wouldn't have to see or talk to our neighbors that she feared would think less of her for what we were going through as Home Point even advertised a foreclosure sale in the newspaper.

28. She made excuses with friends or neighbors as to why we couldn't do things or cook out or hang out because she couldn't face them because of what Home Point was doing to us.

29. When we received direct communications threatening to foreclose or take other actions in April 2019 and June 2019 my wife's mood and demeanor would change due to the continued stress, anxiety and confusion. She would say things like here we go again and wonder if this was ever going to end. She expressed a sense of being trapped. I could see the stress and anxiety on her face and in the way she

carried herself. These letters also caused her to isolate herself again and cry alone in our bedroom.

30. The advertising of the foreclosure and numerous door hangers we repeatedly found on our door were also extremely stressful and caused anxiety and confusion in her.

31. These were extremely embarrassing, especially since she did not know why we had gotten to this point. Lee was afraid the neighbors or our children would see the door hangers. Lee would see them on the door as she drove up and expressed to me how stressful and embarrassing just turning onto our street was worried about them being on the front door which was visible to a number of our neighbors. She also started checking the door frequently if we were home to see if something was there, which was embarrassing and frustrating for her.

32. I remember a particular time one of our daughters spent the night with a friend. Her dad was bringing our daughter back home. Lee was stress over whether Home Point might put a door hanger on the door and so we were frequently checking the door. She was also worried they might be here dropping one off when the Dad dropped our daughter back at our home.

33. While waiting, we thought heard something and opened door and there was a hanger. Lee was horrified and immediately had me hide it. She was visibly upset.

34. During this time Lee would make me answer the door or phone. I could see her get anxious and nervous when the doorbell or phone would ring. I would come back from answering either and see her stress and notice her picking at her face.

35. During this time I turned the ringer off on our landline to help with Lee's anxiety.

36. Home Point's actions in providing us a partial loan without explanation, then denying the loan modification without telling us what we were considered for and for allegedly financial reasons when we had recently submitted financial documents and then their conduct and misrepresentations leading up to the foreclosure sale caused Lee to experience anger, persistent anxiety and worry over the confusion and potential loss of our home. This was made worse by their repeated refusal to communicate with our lawyers.

37. I also observed that this caused a change in Lee's self-image causing her to be constantly on edge, less confident and consistently sad and unhappy.

38. I saw these changes manifest themselves in several ways, one of which was with how quickly she could get angry at small things that did not bother her in the past, such as small things the kids would do.

39. I recall one time after the communications from Home Point when our girls were in a small argument for a short while. They settled down. Lee was in our bedroom and overheard the argument. She jumped up and went in and yelled at both

of them for being brats to each other. She immediately realized she had overreacted and apologized. Prior to these stressors she would either let them sort it out or if she addressed it would be in a much calmer fashion.

40. During this time she was also short with me. I would usually go to the store on Sundays to do grocery shopping for the week. Sometimes during this time she would get upset at me for not getting the exact item she asked for and that would cause her to go off on me. This did not happen before December 2018. I recall this happening multiple times in 2019 before the foreclosure was finally canceled after we had to file suit against Home Point.

41. I also observed persistent anxiety in my wife during this time. When she is upset, stressed or worried she has a habit of picking at her face and creating sores on her chin or cheek that would create a scab that wouldn't heal. This started when the modification process initially started but got worse when we were offered this confusing new partial loan without explanation. It continued to persist and at times got worse when we would get letters we didn't understand or threatening letters sent directly to us and not our lawyers.

42. Lee also cried frequently during this time.

43. After the confusing response from Home Point I notice that Lee also began stress eating. This resulted in her gaining weight. Sometimes during this time, I

would wake up in the middle of the night and she might be eating a snack in bed or I would see food left on nightstand.

44. Lee was not doing this prior to the turn down from Home Point.

45. Lee was embarrassed about this and would sometimes bring it up saying I've got to quit eating in the middle of the night. She said it because she was so stressed out by what Home Point was doing and it was comforting to her in the face of all this anxiety and uncertainty.

46. I noticed that Lee also quit exercising during this time. She had been typically exercising on a stationary bike two to three times a week or would walk around the neighborhood on the weekend. She quit doing this in December 2018 through the spring of 2019.

47. Lee was constantly worried over loss of our home and our confusion and stress at not being able to get a good answer as to what was going on. She routinely brought this up sometimes in response to a letter we received from Home Point, but sometimes just out of the blue.

48. Lee frequently expressed a fear of the unknown from our situation, stressing and worrying over what are we going to do or how we would survive.

49. On an almost daily basis I could see anxiety and stress in her demeanor.

50. She also began experiencing severe headaches during this time that would come on especially when she was focused on Home Point or their communications.

She took Excedrin migraine and ibuprofen took on a daily basis. The frequent headaches began shortly after the confusing partial loan offer in December 2018 and progressively got worse through February 2019 and into the spring.

51. At one point Lee saw a psychiatrist who prescribed medications for stress and anxiety.

52. During this time Lee also took Ambien extended release to help her sleep but said it made her feel like a zombie the next day.

53. During this time I also noticed that she had a difficult time focusing. She relayed that her mind was constantly going through confusion then embarrassment then worry then stress.

54. I recall noticing that she was all over the place and had difficulty finishing things that hadn't been an issue before. She might start cleaning the bedroom, wouldn't finish and would get distracted and move on to the kitchen. There were also a number of projects that were not completed when before the problems with Home Point she was great about finishing projects she started.

55. Prior to December 2018 Lee enjoyed sewing and craft monogramming. She had her own craft room just off the den. Before the problems with Home Point, she could spend hours making things, such as our girls' outfits, smocking, etc. With everything going on in December 2018 with Home Point she couldn't concentrate to do this. She said it became a burden and she couldn't finish because her mind


would go back to worries about losing the house and the stress of not knowing what was going on or what would happen.

56. Lee also stopped going to church due to embarrassment. I recall that one weekend we were getting ready to go to church. We had gotten up and gotten the girls ready and Lee was still in the bed. She said she didn't want to go to church and have to look people in the face that knew about their situation because it was too embarrassing.

57. Lee also told me that she was having difficulty concentrating at work. She was getting further and further behind on day-to-day tasks and was worried about losing her job.

58. These are some of the things I observed about Lee.


59. I had similar issues – feelings of anger, embarrassment, unnecessary stress, etc. I thought I was handling it fine but Lee has told me that I was not handling it and her affidavit describes what she observed about me.


Josh Otwell

STATE OF ALABAMA)
COUNTY OF Jefferson)

On this day, Josh Otwell appeared before me, the undersigned notary public. After I administered an oath to him, upon his oath, he said that he read the foregoing and that the facts stated in it are within his personal knowledge and are true and correct.

SWORN TO and SUBSCRIBED before me on this 15th day of March
2021.


Notary Public

My Commission Expires:

